

Section 1: General

1. As background for the exceptions and limitations to patents investigated in this questionnaire, what is the legal standard used to determine whether an invention is patentable? If the standard for patentability includes provisions that vary according to the technology involved, please include examples of how the standard has been interpreted, if available. Please indicate the source of law (statutory and-or case law) by providing the relevant provisions and/or a brief summary of the relevant decisions.

Article 3 of Jordan Patent Law 1.11.1999

The invention shall be patentable if it meets the following conditions :

A .

1. If it is novel as regards the prior industrial art and is unprecedented as regards disclosure to the public in any place in the world by means of written or oral disclosure, by use, or by any other way which allows awareness of the invention's content before the relevant filing date of the patent application or the priority of the application claimed under the provisions of this law .

2. The disclosure of the invention to the public shall not be taken into account if it occurred twelve months before the filing date of the application or before its priority date, if any, and it occurred due to actions taken by the applicant or his predecessor or due to an abuse made by third parties against the applicant or his predecessor .

B. If it involves an inventive step that, having regard to the prior art relevant to the patent application, it would not have been obvious to a person having ordinary skill in the prior art of the invention subject .

C. If it is industrially applicable that it can be made or used in any type of agriculture, fishing, service or industry in their widest senses including handicraft .

Correspondingly, please list exclusions from patentability that exist in your law. Furthermore, please provide the source of those exclusions from patentability if different from the source of the standard of patentability, and provide any available case law or interpretive decisions specific to the exclusions.¹

Article 4

A patent shall not be granted in the following cases :

A .

1. The inventions whose exploitation is detrimental to public order or public morality .

2. The inventions whose non-exploitation is necessary to protect the life and health of humans, animals and plants or to avoid severe damage to the environment .

For implementing the provisions of items (1) and (2) of this paragraph, non-granting of protection shall not be provided for just because such patent exploitation is disallowed under other enforceable laws .

B. Discoveries, scientific theories and mathematical methods .

C. Diagnostic, therapeutic and surgical methods necessary for the treatment of humans or animals

D. Plants and animals other than microorganisms

E. Biological methods for the reproduction of plants and animals other than non-biological and microbiological methods

2. As background for the exceptions and limitations to patents investigated in this questionnaire, what exclusive rights are granted with a patent? Please provide the relevant provision in the statutory or case law. In addition, if publication of a patent application accords exclusive rights to the patent applicant, what are those rights?

Article 21

A. A patent shall grant its owner the following rights :

¹ This question does not imply that the topic of exclusions from patentability is dealt with in this question exhaustively.

1. Where the subject of the patent is a product, the right to prevent any person who hasn't obtained the owner's authorization from making, exploiting, using, offering for sale, selling or importing that product .
2. Where the subject of the patent is an industrial process, the rights to prevent any person who hasn't obtained the owner's authorization from using the process or the product directly made by the process, or offering for sale, or selling or importing the product.

B. The patentee shall be entitled to assign it to third parties or to license its use .

C. Notwithstanding any conflicting provision in this law or any other law, all types of scientific research and development and filing applications for obtaining marketing permits carried out before the elapse of the patent protection period shall not be regarded as infringement neither civil nor criminal .

3. Which exceptions and limitations does the applicable law provide in respect to patent rights (please indicate the applicable exceptions/limitations):

Private and/or non-commercial use;

Experimental use and/or scientific research;

Acts for obtaining regulatory approval from authorities;

Exhaustion of patent rights;

Compulsory licensing and/or government use;

If the applicable law provides for any of the above-listed exceptions and limitations, please fill out those parts of Sections II to X that apply to you. If the applicable law does not contain all of the exceptions and limitations provided in Sections II to X, then you should respond only to the other parts of the questionnaire. If the applicable law includes other exceptions and limitations that are not listed above, please answer the questions under Section XI "Other Exceptions".

Where reference is made to case law, please indicate, if possible, the official source in which the case has been published (for example, the publication number, issue, title, URL, etc.).

Section 2: Private and/or non-commercial use

4.-5.

[Note from the Secretariat: response was not provided]

6. (a) What are the public policy objectives for providing the exception?

Share knowledge and experience, Enhance R&D researches

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

[Note from the Secretariat: response was not provided]

7.-10.

[Note from the Secretariat: response was not provided]

Section 3: Experimental use and/or scientific research

11. If the exception is contained in statutory law, please provide the relevant provision(s):

Article 21

C. Notwithstanding any conflicting provision in this law or any other law, all types of scientific research and development and filing applications for obtaining marketing permits carried out before the elapse of the patent protection period shall not be regarded as infringement neither civil nor criminal .

Compulsory Licenses for Patent Exploitation

12. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

13. (a) What are the public policy objectives for providing the exception?

Share knowledge and experience, Enhance R&D researches

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

14.-15.

N/A

16.-21.

Not mention in the patent law

22. Which challenges, if any, have been encountered in relation to the practical implementation of the exception in your country? Please explain:

N/A

Section 4: Preparation of medicines

23.-30

[Note from the Secretariat: the applicable law of Jordan does not provide for exception related to the preparation of medicines]

Section 5: Prior use

31.-41.

[Note from the Secretariat: the applicable law of Jordan does not provide for prior use exception]

Section 6: Use of articles on foreign vessels, aircrafts and land vehicles

42.-50.

[Note from the Secretariat: the application law of Jordan does not provide for exception related to use of articles on foreign vessels, aircrafts and land vehicles]

Section 7: Acts for obtaining regulatory approval from authorities

51. If the exception is contained in statutory law, please provide the relevant provision(s):

Article 21(C) which states:

“Notwithstanding the provisions of this Law or any other legislation, carrying out research and development, and submitting applications for obtaining approvals to market a product prior to the expiry date of the patent protection shall not be considered an act of civil or criminal infringement.”

52. If the exception is provided through case law, please cite the relevant decision(s) and provide its/(their) brief summary:

N/A

53. (a) What are the public policy objectives for providing the exception? Please explain:

Public Health

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

54. Who is entitled to use the exception? Please explain:

Article 22

The Minister may grant a license to use a patent to third parties without obtaining the patentee’s consent in any of the following cases exclusively :

A. If the use of the patent by the state authorities or licensed third parties is a necessity for national defense or emergency or for noncommercial public good provided that the patentee is notified as soon as it becomes possible .

B .

1. If the patentee doesn’t exploit it or exploits it insufficiently before the elapse of 4 years as of the application date or 3 years as of the granting date, the period to be applied is the one that elapses later. However, the Minister may grant the patentee an additional grace period if he deems that reasons beyond the control of the patentee have prevented exploitation .

2. For the purposes of item (1) of this paragraph, and without prejudice to the provisions of the related International Conventions, the importation of the subject goods of the patent to the kingdom shall be deemed utilization of the patent .

C. If the patentee exercises his rights in such a way as to prevent others from competing fairly .

55. The exception covers the regulatory approval of:

Any products

Please describe which products:

[Note from the Secretariat: response was not provided]

56. Please indicate which acts are allowed in relation to the patented invention under the exception?

Using

57. If the applicable law provides for other criteria to be applied in determining the scope of the exception, please describe those criteria. Please illustrate your answer by citing legal provision(s) and/or decision(s):

Article 23

The following shall be taken into consideration when compulsory licenses are granted :

A. Each application for a license shall be decided separately for its specific conditions and circumstances .

B. The applicant shall have tried to obtain a license from the patentee under reasonable remuneration and conditions but did not reach an agreement during a reasonable period of time in the case provided for in paragraph (B) of Article 22 of this law .

C. The scope and duration of the license shall be limited to the purpose for which it is granted. If the license application relates to semiconductor technology, then it shall only be granted for noncommercial public good or to rectify practices deemed by the competent judicial or administrative authority to be anticompetitive .

D. The license to exploit shall not be exclusive .

E. The license shall not be assignable to third parties .

F. The license shall only be granted for meeting the demand in the local market other than for the case provided for in paragraph (C) of Article 22 of this law .

G. The patentee shall receive an equitable remuneration which takes into account the economic value of the patent .

58.-59.

N/A

Section 8: Exhaustion of patent rights

60. Please indicate what type of exhaustion doctrine is applicable in your country in relation to patents:

International

If the exception is contained in statutory law, please provide the relevant provision(s):

Article 32(A)(2) and/or Article 37 of Jordan Patent Law 32 of 1999 (and its amendment by the Temporary Law No. 71 for the Year 2001). Article 37 provides for "international exhaustion" subject to contractual restrictions.

If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

61. (a) What are the public policy objectives for adopting the exhaustion regime specified above?
Please explain:

To make use of patent since it is in the public domain, Share knowledge and experience, Enhance R&D researches

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

62. Does the applicable law permit the patentee to introduce restrictions on importation or other distribution of the patented product by means of express notice on the product that can override the exhaustion doctrine adopted in the country?

No

Please explain your answer by citing legal provision(s) and/or decision(s):

N/A

63.-64.

N/A

Section 9: Compulsory licenses and/or government use

Compulsory licenses

65. If the exception is contained in statutory law, please provide the relevant provision(s):

Article 22

The Minister may grant a license to use a patent to third parties without obtaining the patentee's consent in any of the following cases exclusively :

A. If the use of the patent by the state authorities or licensed third parties is a necessity for national defense or emergency or for noncommercial public good provided that the patentee is notified as soon as it becomes possible .

B .

1. If the patentee doesn't exploit it or exploits it insufficiently before the elapse of 4 years as of the application date or 3 years as of the granting date, the period to be applied is the one that elapses later. However, the Minister may grant the patentee an additional grace period if he deems that reasons beyond the control of the patentee have prevented exploitation .

2. For the purposes of item (1) of this paragraph, and without prejudice to the provisions of the related International Conventions, the importation of the subject goods of the patent to the kingdom shall be deemed utilization of the patent .

C. If the patentee exercises his rights in such a way as to prevent others from competing fairly

Article 23

The following shall be taken into consideration when compulsory licenses are granted :

A. Each application for a license shall be decided separately for its specific conditions and circumstances .

B. The applicant shall have tried to obtain a license from the patentee under reasonable remuneration and conditions but did not reach an agreement during a reasonable period of time in the case provided for in paragraph (B) of Article 22 of this law .

C. The scope and duration of the license shall be limited to the purpose for which it is granted. If the license application relates to semiconductor technology, then it shall only be granted for noncommercial public good or to rectify practices deemed by the competent judicial or administrative authority to be anticompetitive .

D. The license to exploit shall not be exclusive .

E. The license shall not be assignable to third parties .

F. The license shall only be granted for meeting the demand in the local market other than for the case provided for in paragraph (C) of Article 22 of this law .

G. The patentee shall receive an equitable remuneration which takes into account the economic value of the patent .

Article 24

The Minister may cancel the compulsory license by himself or on the strength of an application from the patentee if the reasons for its grant disappeared. This license cancellation shall however preserve the rights of those involved in the compulsory license

Article 25

The provisions and procedures related to licensing of patent utilization shall be prescribed pursuant to regulations to be issued to this aim .

Article 26

The Minister's compulsory-license decision shall be appealable to the High Court of Justice within 60 days of its notification .

Patent Assignment, Pledge and Seizure

66. If the exception is provided through case law, please cite the relevant decision(s) and provide its/(their) brief summary:

N/A

67. What grounds for the grant of a compulsory license does the applicable law provide in respect to patents (please indicate the applicable grounds):

Non-working or insufficient working of the patented invention

Anti-competitive practices and/or unfair competition

Public health

National security

National emergency and/or extreme urgency

Noncommercial public good

Article 22 of Jordan Patent Law 32 of 1999 (and its amendment by the Temporary Law No. 71 for the Year 2001

68. (a) What are the public policy objectives for providing compulsory licenses in your country? Please explain:

Public health

(b) Where possible, please explain with references to the legislative history, parliamentary debates and judicial decisions:

N/A

69. If the applicable law provides for the grant of compulsory licenses on the ground of “non-working” or “insufficient working”, please provide the definitions of those terms by citing legal provision(s) and/or decision(s):

Article 22

The Minister may grant a license to use a patent to third parties without obtaining the patentee’s consent in any of the following cases exclusively :

A. If the use of the patent by the state authorities or licensed third parties is a necessity for national defense or emergency or for noncommercial public good provided that the patentee is notified as soon as it becomes possible .

B .

1. If the patentee doesn’t exploit it or exploits it insufficiently before the elapse of 4 years as of the application date or 3 years as of the granting date, the period to be applied is the one that elapses later. However, the Minister may grant the patentee an additional grace period if he deems that reasons beyond the control of the patentee have prevented exploitation .

2. For the purposes of item (1) of this paragraph, and without prejudice to the provisions of the related International Conventions, the importation of the subject goods of the patent to the kingdom shall be deemed utilization of the patent .

C. If the patentee exercises his rights in such a way as to prevent others from competing fairly .

70. Does the importation of a patented product or a product manufactured by a patented process constitute “working” of the patent? Please explain your answer by citing legal provision(s) and/or decision(s):

Just using

71. In case of the grant of compulsory licenses on the grounds of non-working or insufficient working, does the applicable law provide for a certain time period to be respected before a compulsory license can be requested?

Yes

Article 22

The Minister may grant a license to use a patent to third parties without obtaining the patentee’s consent in any of the following cases exclusively :

A. If the use of the patent by the state authorities or licensed third parties is a necessity for national defense or emergency or for noncommercial public good provided that the patentee is notified as soon as it becomes possible .

B .

1. If the patentee doesn’t exploit it or exploits it insufficiently before the elapse of 4 years as of the application date or 3 years as of the granting date, the period to be applied is the one that elapses later. However, the Minister may grant the patentee an additional grace period if he deems that reasons beyond the control of the patentee have prevented exploitation .

2. For the purposes of item (1) of this paragraph, and without prejudice to the provisions of the related International Conventions, the importation of the subject goods of the patent to the kingdom shall be deemed utilization of the patent .

C. If the patentee exercises his rights in such a way as to prevent others from competing fairly .

No

If yes, what is the time period? If the patentee doesn't exploit it or exploits it insufficiently before the elapse of 4 years as of the application date or 3 years as of the granting date, the period to be applied is the one that elapses later. However, the Minister may grant the patentee an additional grace period if he deems that reasons beyond the control of the patentee have prevented exploitation.

N/A

72. In case of the grant of compulsory licenses on the grounds of non-working or insufficient working, does the applicable law provide that a compulsory license shall be refused if the patentee justifies his inaction by legitimate reasons?

Yes

If yes, what are "legitimate reasons"?

Article 24

The Minister may cancel the compulsory license by himself or on the strength of an application from the patentee if the reasons for its grant disappeared. This license cancellation shall however preserve the rights of those involved in the compulsory license

Article 25

The provisions and procedures related to licensing of patent utilization shall be prescribed pursuant to regulations to be issued to this aim .

Article 26

The Minister's compulsory-license decision shall be appealable to the High Court of Justice within 60 days of its notification .

Patent Assignment, Pledge and Seizure

73. If the applicable law provides for the grant of compulsory licenses on the ground of refusal by the patentee to grant licenses on "reasonable terms and conditions" and within a "reasonable period of time", please provide the definitions given to those terms by citing legal provision(s) and/or decision(s):

N/A

74. If the applicable law provides for the grant of compulsory licenses on the ground of anti-competitive practices, please indicate which anti-competitive practices relating to patents may lead to the grant of compulsory licenses by citing legal provision(s) and/or decision(s):

Article 22

The Minister may grant a license to use a patent to third parties without obtaining the patentee's consent in any of the following cases exclusively :

A. If the use of the patent by the state authorities or licensed third parties is a necessity for national defense or emergency or for noncommercial public good provided that the patentee is notified as soon as it becomes possible .

B .

1. If the patentee doesn't exploit it or exploits it insufficiently before the elapse of 4 years as of the application date or 3 years as of the granting date, the period to be applied is the one that elapses later. However, the Minister may grant the patentee an additional grace period if he deems that reasons beyond the control of the patentee have prevented exploitation .

2. For the purposes of item (1) of this paragraph, and without prejudice to the provisions of the related International Conventions, the importation of the subject goods of the patent to the kingdom shall be deemed utilization of the patent .

C. If the patentee exercises his rights in such a way as to prevent others from competing fairly

75. If the applicable law provides for the grant of compulsory licenses on the ground of dependent patents, please indicate the conditions that dependent patents must meet for a compulsory license to be granted:

N/A

76. Does the applicable law provide a general policy to be followed in relation to the remuneration to be paid by the beneficiary of the compulsory license to the patentee? Please explain:

Article 23

The following shall be taken into consideration when compulsory licenses are granted :

A. Each application for a license shall be decided separately for its specific conditions and circumstances .

B. The applicant shall have tried to obtain a license from the patentee under reasonable remuneration and conditions but did not reach an agreement during a reasonable period of time in the case provided for in paragraph (B) of Article 22 of this law .

C. The scope and duration of the license shall be limited to the purpose for which it is granted. If the license application relates to semiconductor technology, then it shall only be granted for noncommercial public good or to rectify practices deemed by the competent judicial or administrative authority to be anticompetitive .

D. The license to exploit shall not be exclusive .

E. The license shall not be assignable to third parties .

F. The license shall only be granted for meeting the demand in the local market other than for the case provided for in paragraph (C) of Article 22 of this law .

G. The patentee shall receive an equitable remuneration which takes into account the economic value of the patent .

77. If the applicable law provides for the grant of compulsory licenses on the ground of “national emergency” or “circumstances of extreme urgency”, please explain how the applicable law defines those two concepts and their scope of application, and provide examples:

National defense or emergency or for noncommercial public good

78. Please indicate how many times and in which technological areas compulsory licenses have been issued in your country:

Zero times

79. Is the applicable legal framework for the issuance of compulsory licenses considered adequate to meet the objectives sought (for example, are there any amendments to the law foreseen)? Please explain:

N/A

80. Which challenges, if any, have been encountered in relation to the use of the compulsory licensing system provisions in your country? Please explain:

N/A

Government use

81. If the exception is contained in statutory law, please provide the relevant provision(s):

Not mention in the patent law

82. If the exception is provided through case law, please cite the relevant decision(s) and provide its(their) brief summary:

N/A

83. What grounds for the grant of government use does the applicable law provide in respect to patents (please indicate the applicable grounds):

[Note from the Secretariat: response was not provided]

84.-85.

Not mention in the patent law

86. Please indicate how many times and in which technological areas government use has been issued in your country:

Zero

87.-88.

N/A

Section 10: Exceptions and limitations related to farmers' and/or breeders' use of patented inventions

89.-100.

[Note from the Secretariat: the applicable law of Jordan does not provide exception and limitations related to farmers' and/or breeders' use of patented inventions]

Section 11: Other Exceptions and Limitations

101.-103.

N/A